

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

A Limited Liability Partnership

2 Including Professional Corporations

NEIL A.F. POPOVIC, Cal. Bar No. 132403

3 ANNA S. McLEAN, Cal. Bar No. 142233

TENAYA RODEWALD, Cal. Bar No. 248563

4 LIÊN H. PAYNE, Cal. Bar No. 291569

JOY O. SIU, Cal. Bar No. 307610

5 DANIEL R. FONG, Cal. Bar No. 311985

Four Embarcadero Center, 17<sup>th</sup> Floor

6 San Francisco, California 94111-4109

Telephone: 415.434.9100

7 Facsimile: 415.434.3947

Email: npopovic@sheppardmullin.com

8 amclean@sheppardmullin.com

rodewald@sheppardmullin.com

9 lpayne@sheppardmullin.com

jsiu@sheppardmullin.com

10 dfong@sheppardmullin.com

11 Attorneys for Defendant,

SEAGATE TECHNOLOGY LLC

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

16 IN RE SEAGATE TECHNOLOGY LLC  
LITIGATION

18 CONSOLIDATED ACTION

Case No. 3:16-cv-00523-JCS

**DECLARATION OF KARL J. SCHWEISS  
IN SUPPORT OF SEAGATE  
TECHNOLOGY LLC'S MOTION TO  
SEAL PORTIONS OF OPPOSITION TO  
PLAINTIFFS' ADMINISTRATIVE  
MOTION FOR LEAVE TO FILE  
SECOND SUPPLEMENTAL BRIEF IN  
SUPPORT OF CLASS CERTIFICATION**

**Date:** June 15, 2018

**Time:** 9:30 a.m.

**Place:** Courtroom G

**Judge:** Hon. Joseph C. Spero

Second Consolidated Amended Complaint  
filed: July 11, 2016

1 I, Karl J. Schweiss, declare as follows:

2 1. I am a Senior Technical Writer and Project Manager at Seagate Technology LLC  
3 (“Seagate”). Unless otherwise indicated, I have personal knowledge of the facts set forth in this  
4 declaration, and if called as a witness, could and would competently testify as to their truth.

5 2. I submit this declaration in support of Seagate’s Opposition to Plaintiffs’  
6 Administrative Motion for Leave to File Second Supplemental Brief in Support of Class  
7 Certification (Seagate’s Opposition).

8 3. It is my understanding that Exhibits 1, H, and L to the Declaration of Tenaya  
9 Rodewald in support of Seagate’s Opposition have either (1) been designated as  
10 “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” under the Stipulated Protective Order in  
11 this case, or (2) directly quote excerpts of such documents.

12 4. These documents contain highly confidential information, including sensitive  
13 commercial information concerning the operations of Seagate’s business and its strategic decision-  
14 making based on market and product testing, which Seagate has conducted over time. As a result,  
15 I believe that access to this sensitive business information would be used by Seagate’s competitors  
16 to Seagate’s detriment because it would give them previously unavailable insight into Seagate’s  
17 operations, how it measures its products’ performance, as well as its proprietary market research  
18 and strategy. Seagate thus faces the risk of competitive harm should this information be disclosed.

19 5. Due to the sensitive nature of these documents, Seagate takes great efforts to  
20 protect their secrecy. Indeed, Seagate only produced these documents in this litigation subject to  
21 the Stipulated Protective Order, and has marked these documents as “CONFIDENTIAL” or  
22 “HIGHLY CONFIDENTIAL.” Seagate therefore seeks an order sealing these documents from  
23 the public record for the following reasons.

24 6. Exhibit 1 to the Rodewald Declaration is a chart responding to Exhibit 72 to the  
25 Scarlett Declaration, ECF No. 175-6 (a chart compiled by Plaintiffs, which quotes and references  
26 various documents produced throughout the course of discovery that were designated as either  
27 “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” pursuant to the Protective Order). As set  
28 forth in my prior declaration, this chart includes rows that reference internal communications and

1 discussions at Seagate regarding topics such as Seagate's market testing as well as internal Seagate  
2 communications that detail Seagate's strategy for responding to complaints, the tracking of same,  
3 as well as product improvement efforts. In responding to Plaintiffs' chart, Exhibit 1 discloses  
4 some of this same information. Accordingly, Seagate seeks to seal portions of Exhibit 1.

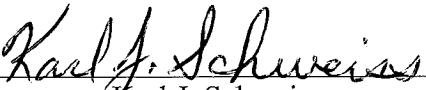
5 7. Exhibit H is an internal email chain that discloses Seagate's strategic considerations  
6 in updating certain data recovery services. If this information were disclosed, it could be used by  
7 Seagate's competitors to predict Seagate's strategies, which could result in competitive harm to  
8 Seagate.

9 8. Exhibit L is an internal email chain that discloses Seagate's website design strategy  
10 and considerations, and market testing related to same. If these analyses were disclosed, they  
11 would provide Seagate's competitors with previously unavailable insight into Seagate's marketing  
12 analysis, which Seagate has developed over time at great expense. Further, based on my  
13 understanding of the issues in this case, this document is irrelevant to the claims in Plaintiffs'  
14 Motion for Class Certification, as it does not discuss the ST3000DM001 at all.

15 9. All of these documents show Seagate's internal business strategies, including its  
16 market and product development strategies. Seagate goes to great lengths to ensure the  
17 confidentiality of documents like these to protect itself competitive harm.

18 I declare under penalty of perjury under the laws of the United States that the foregoing is  
19 true and correct.

20 Executed on this 11th day of June, 2018, in Oklahoma City, Oklahoma.

21  
22  
23   
24 Karl J. Schweiss